

UNDERSTANDING THE CODE OF FEDERAL REGULATIONS (CFR)

When there is a need for a regulation covering any subject, the process usually begins with a bill introduced to a legislature. When the bill is ratified/approved, we say it was “signed into law.” Many people will use the word statute and law interchangeably.

While “the law” normally expresses the intent of the legislature and chief executive, and ideally, the population, laws generally do not give details about how to meet this intent. Laws are the province of lawyers and judges.

When a new law is created, it normally directs either a new or existing agency to write the rules and enforce them. For example, when Congress approved, and Richard Nixon signed, the Environmental Protection Act, the Act did not state the rules that industry must follow. It did, however, state that the intent of the Act was “to protect human health and the environment.” The Act created a new Federal agency called the Environmental Protection Agency. The Agency then set about writing the rules that informed industry what they could and couldn’t do with regards to water, air, and soil pollution in ways that upheld the Congressional intent.

Regulations of agencies like OSHA, the FDA, the IRS, and the Trade and Taxation Bureau, are all “codified” in the Code of Federal Regulations (CFR). The CFR uses a standardized form of outlining that drills down as many 13 levels! When a craft beverage producer wants to find out what the regulators require on a certain subject it can be a daunting task.

With that in mind, let’s break down the structure of the CFR and see how about half of this structure doesn’t even matter to us. Let’s follow a workplace safety example through from start to finish. Let’s say that you know there is some sort of requirement calling for railings, but you don’t know the specifics. Since you don’t want yourself or your coworkers to fall and be hurt, and because you want to comply with OSHA’s minimum requirements, you turn to the CFR.

In the three diagrams that follow, we’ve broken down the CFR hierarchy from the top half to the bottom. Each level of the CFR structure has a name and then a style of letter or number that represents that level.

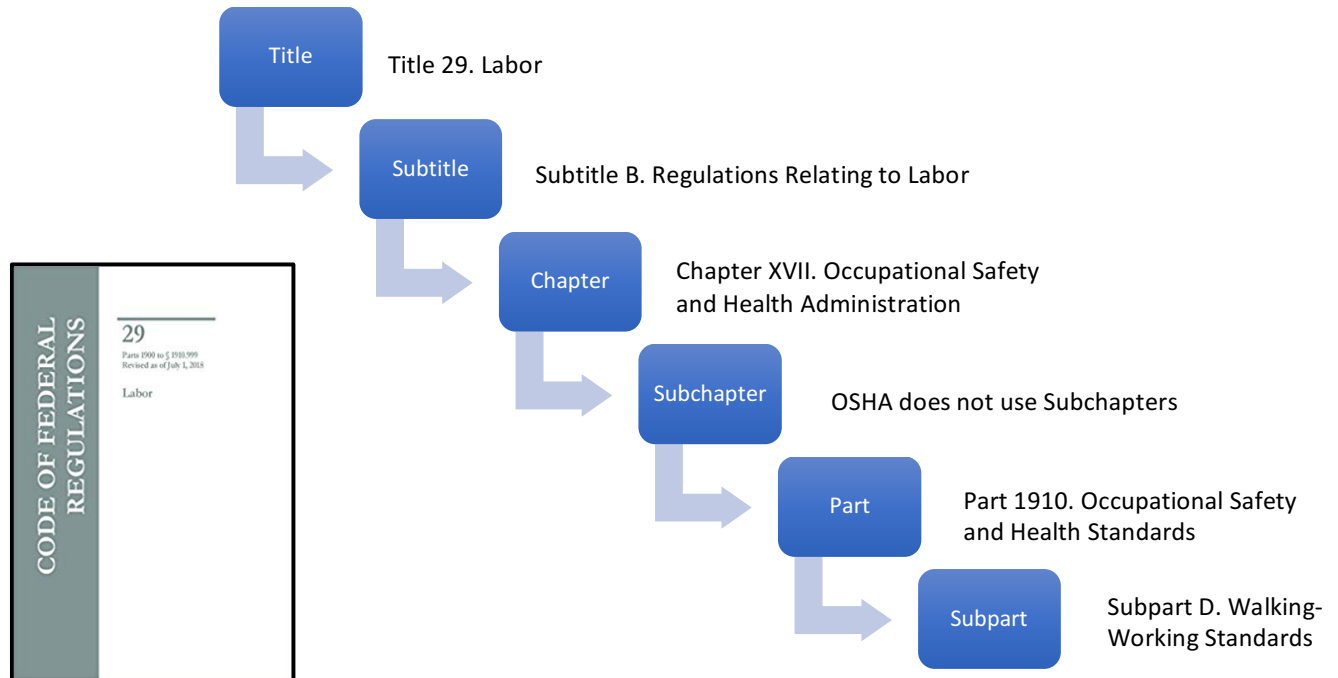
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Workplace safety standards are part of US labor requirements. All labor rules are codified in Title 29. There are lots of labor rules that aren't related to safety, for example, fair wages, disability, and so on. But we're looking for health and safety so we follow the flow from the Title down to the Chapter and we find OSHA.

We look at all of the parts of OSHA and we see different Parts, like Marine Terminals, Safety and Health for Construction, etc. So, we find Part 1910, Occupational Safety and Health Standards, and in Subpart A – General, Section 1910.5, Paragraph (a) we see that this standard applies “with respect to employments performed in a workplace in a State...”

In all likelihood, you will be searching for these rules on the internet. Two reliable CFR databases are: www.law.cornell.edu/cfr/text/29/part-1910 and www.osha.gov/laws-regs/regulations/standardnumber/1910/1910TableofContents. You should probably bookmark them now.

So far, it looks like Part 1910 is where we should be. In fact, anytime a beverage manufacturer needs to consult workplace safety regulations, Part 1910 is the place to start. But we were looking for railings, so how do we get there from here?

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Scanning through all of the Subparts, shown in the table below, we find Subpart D. Walking-Working Surfaces. Is a railing connected to a walking-working surface? Maybe.

We also see a lot of other subjects that likely pertain to beverage manufacturing. We've highlighted all of the relevant Subparts for your future reading pleasure!

SUBPARTS OF 29 CFR 1910

A	General	L	Fire Protection
B	Adoption and Extension of Established Federal Standards	M	Compressed Gas and Compressed Air Equipment
C	[Reserved]	N	Materials Handling and Storage
D	Walking-Working Surfaces	O	Machinery and Machine Guarding
E	Means of Egress	P	Hand and Portable Powered Tools and Other Hand-Held Equipment
F	Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms	Q	Welding, Cutting, and Brazing
G	Occupational Health and Environmental Control	R	Special Industries
H	Hazardous Materials	S	Electrical
I	Personal Protective Equipment	T	Commercial Diving Operations
J	General Environmental Controls	U-Y	[Reserved]
K	Medical and First Aid	Z	Toxic and Hazardous Substances

When we dig into Subpart D, we see that it contains Sections 1910.21 through 1910.30. It is common to use the § symbol for “section” and §§ for “sections.” We find § 1910.28, entitled “Duty to have fall protection and falling object protection.” Drilling down, we see Paragraph (b) is dedicated to “Protection from fall hazards -,” and right below that we find Subparagraph (1) relating to “Unprotected sides and edges.” We’re almost there... In the next level down we see that employers are required to protect employees who could fall to a lower level from 4 feet or greater heights. Below that, we see that a guardrail system is one way to prevent these falls from height. Upon further reading we find the specific railing requirements in § 1910.29(b) “Guardrail systems.”

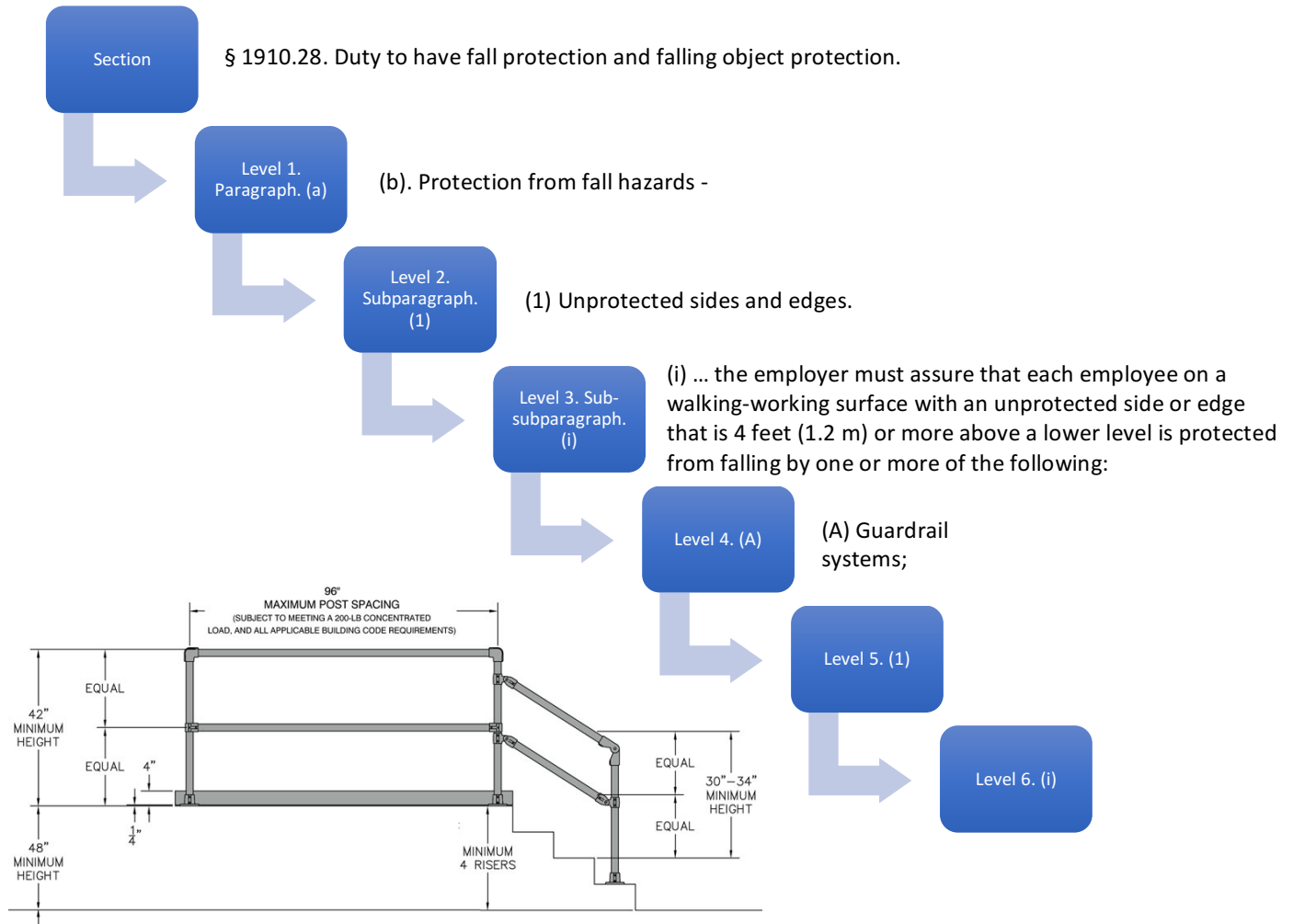
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That’s how we used to do it before internet search engines. The shortcut is to use one of the previously mentioned CFR websites, or your browser’s search engine, and just try a word or phrase like “railing,” “workplace railings,” or “OSHA railing rules for industry.”

If you are searching on your browser’s search engine, you will get many results, some scholarly, and others not so much. Knowing that the rule must be somewhere in Title 29, Part 1910, is how you can verify the reliability of what you read.

So, while we’re on this specific example, let’s review what we found. First, we can cut to the chase and go right to Title 29, Part 1910. Then search that Part for key terms and read through the rules for applicability.

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